IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., a Delaware Corporation, and NICE SYSTEMS, LTD., an Israeli Corporation,)	
Plaintiffs, v.)	Civil Action No. 06-311-JJF
WITNESS SYSTEMS, INC, a Delaware Corporation,)	•
Defendant.)	

NOTICE OF FILING RETURNS OF SERVICE OF SUBPOENAS TO COMPEL ATTENDANCE AT DEPOSITIONS AS PREVIOUSLY NOTICED

TO: William J. Marsden, Jr. Kyle Wagner Compton Fish & Richardson P.C. 919 N. Market Street, Suite 1100 P.O. Box 1114 Wilmington, DE 19899-1114

PLEASE TAKE NOTICE that attached hereto as numbered exhibits are the executed Returns of Service for subpoenas served to compel the attendance of the below-listed deponents at deposition pursuant to the Notices of Deposition previously filed:

<u>Deponent</u>	Notice of Deposition	Return of Service
Kevin Hegebarth	D.I. 134	Exhibit 1
Damian Smith	D.I. 136	Exhibit 2
Dave Williams	D.I. 137	Exhibit 3
Carel Warfield	D.I. 138	Exhibit 4
Tim Holland	D.I. 139	Exhibit 5
Tim Hannah	D.I. 140	Exhibit 6
Marc Calahan	D.I. 141	Exhibit 7

Witness Systems, Inc.

D.I. 142

Exhibit 8

Witness Systems plc

D.I. 143

Exhibit 9

Dated: May 11, 2007

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Melanie K. Sharp (No. 2501) Karen E. Keller (No. 4489) Mary F. Dugan (No. 4704) The Brandywine Building

1000 West Street, 17th Floor Wilmington, DE 19801

P.O. Box 391 Wilmington, DE 19899 (302)571-5028 kkeller@ycst.com

KAYE SCHOLER LLP Scott G. Lindvall Joseph M. Drayton 425 Park Avenue New York, NY 10022 (212)836-8000

Attorneys for Plaintiffs Nice Systems, Inc. and Nice Systems, Ltd.

05/10/2007 14:43

4046272130

DLS INC

03/03 PAGE

ACON (Rev. 12/m) Subposta in a Civil C	ise			
	PROC	F OF SERVICE		
	DATE		140 PEACHTIZE	
SERVED 5/07	2 2007 C 110	l pm	SUME 2100 ACLANTA, C	-A 30309
KEVIN HEGEBA	eth 40 Dann	el kent	1-4-1254	DUAL
BY HANDING T	O SUSAWA R	1CARDO, L	egal seizet	ary for Mr. Ken
DEAUNA C		TITLE		402V672_
	DECLAR	ation of Serv	ER	
I declare under penalty of per in the Proof of Service is true as	jury under the laws of the	e United States of	America that the forego	oing information contained
Executed on 50	2(2007 DATE	SIONATI	INE OF SERVER	h
			S OF SERVER	N AUS
		. Ata	ANTA, GA	- 30315

Rule 45, Federal Rules of Civit Procedure, Subdivisions (c), (d), and (e), as amended on Desember 1, 2006:

(с) РИСТИСТИИ ОР РЕМООНЕ БИЗИМСТ ТО БИНИСИИХ.

(c) FROJUCTION OF PERSONS SUBJECT TO SUBPORNAS.

(1) A party or an abordy responsible for the invance and jeryize of a tubinomical independence of the party of the abordy responsible for the invance and jeryize of a tubinomical independence. The clean an behalf of which the subpoents was breat dual enforce this daily and impose upon the party or storety in breach of this day an appropriate sensible to that impose upon the party or storety in breach of this day an appropriate sensible, which are include, but not likeladly, but cambaps and a reasonable attorney's fee, campling of designated determinably stored informative, brother, papers, decrementar roughby things, or imposed of designated determinably stored informative, brother, papers, decrementar roughby things, or imposed of suppliers mod but opiges in person at the place of production of inspection of premises mod but opiges in person at the place of production of inspection of personal commended to appetur for deposition, huming or rith.

(B) Subjects paragraph (aff2) of this pulse, a person communicate produce both personal of inspections, copying, testing, or compiling many, whills 14 days after service of the subporns or inspection to these specified for compliance if such stores are test that 14 days after survice, service upon the party or siturely designated in the cubporns written objection to producing my or all information in the form or furmer equence. If Indipersion is made, the party service is produced in the control of the court by which the subporns was lettered. Hospical the produced may the party of the produced, move in any time for no order to compet the production, bepection; commended to produce, move the party time for no order to compet the production, bepection; copying, testing, or sumplying, in this court of the court by which a rebporna was increased and quant or modify the subporns and in the party of commended.

(3) (A) On timely motion, the court by which a rebporna was increased and quant or modify

the subposes if it.

(i) falls to allow remouple time for compliance;

the matter account of the following and the provisions of charge for a party to the party of the

(ii) rapine dictorus of privilegad or other protected author and as exception or visiver oppliest or [iii) subject a person to undue borden.

(B) If a subpaens

(i) require diminuto of a trade scorot or other confidential research, dovelopment.

or countracted hybriding of an investigate expense obligation of information but describing absolute of an investigate expense obligation of information but

not at the request of my party. Or (iii) requires a person who is not a party or my officer of a party to incur substantial exhause to know those days to be ready subject.

1 . A 1 DAA

to or affected by the subpoents, quark or modify the subpoem or, if the party in whose behalf the subports is investigated a libertolical recal for the testimony or untertal that cannot be takered as the without under hardally read estince the takered to the person to whost the subports is addressed will be remousely compensated, the court may order appearance or production only upon specified contitions.

(d) DUTIEX IN RESPONDING TO SUBTORNA.

(1) (A) A person responding to a subposing to produce documents shall produce there are they are kept to the value course of business or shall organize and jobel them to correspond with the extensives to the demand.

(B) In subport dost not specify the form or furns for producing electronically stored information, a person responding to a collegeral must produce the information in a furn or furns in which the person-ordinarily mointains it or in a form or furns that our reasonably

(C) A person responding to a subposite need not produce the state elegaterists) y stored

(C) A person responding to a subportion need not produce the saile elementarially stored information in note than one form.

(D) A person reprodule to a subportion need not provide the overy of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom allocavery is sought must show that the information cought is not extraonably accessible because of endue burden or cost. If that showing is made, the cost may neocularly sources for from such contest if the requesting party shows pood cause, considering the limitations of finite from such contest if the requesting party shows pood cause, considering the limitations of finite or subject to protection or subject to protection out the protection for the discovery.

(2) (A) When information subject to a subporem is withful on a colinital tast in its privileged or subject to protection or this personal produced, the claim shall be removed to the formation of the claim of produced that is sufficient to exable the demanding party to contest the chain.

(B) If information is produced in removes to a subport that it subject to a claim of privilege or of protection or tide-preparation enterial, the person tooking the claim may pointly any party that readved the information of the claim and the bark for it. After chain tradition of the claim any prompty present the information of the claim and the bark for it. After chain the first may prompty present the information to the cuttor under seed for a determination of the claim into on the claim and the seed for a determination of the claim into on the control of the claim of the claim is resolved. The information when the subject to the information of the claim is resolved. The subject is the cuttere if. The person who produced the information out at preserve the information dual the fails that is resolved.

(a) CONTENTS. Palling of any persons without adequate excuse to aboy a subposton served upon the parson may be deemed a contempt of the count from which the subposton issued. An edequate count for failure to obey exists when a subposton purpoins to require a naturally to intend of the followers in place and within the funds provided by clause (ii) of subposton purpoins. (ell3)(A).

AORR (Rev. 12/06) Subment in a Civil Case	
DIO O DO O	Phuar
PROOF OF S	
05/04/2007	LACE USO TEACHTREE STREET
@ (1.34 PM	ATLANTA GA 30309
SERVED ON (PRINTNAME) DAMI AND SMUTTH CLO FISH + PICHARDSON COAN K BY HANDING TO JEANETTE WILL	
SERVED BY (PIUNT NAME)	TIPLE
ALLISON TZ. SIMPSON	PROCESS SERVER
DECLARATION	OF SERVER
I declare under penalty of perjury under the laws of the United in the Proof of Service is true and correct. Executed on OSO 2007	allison R. Lisson
ОТОЛТЕ	V425 BENGEN AUG
	ADDRESS OF SERVER ATLANTA CA 30715

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPORNAS.

(1) A party or an attention y responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and

subpoena. The court on behalf of which the subpoena was issued shall enforce this day and impose upon the pury or altorney in breach of this day an operupriate sauction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

[2] (A) A parson commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, appears, documents or tangible things, or inspection of premises need not appear to person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

[1] Subject to paragraph (4)[2] efficter role, a person commanded to produce and permit inspection, copying, texting, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, service man the carty or attorney designated in this subnocenary written objection to production my or all

tedies the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subponen written adjection to producing my or all office designated in the subponen written adjection to mode ing my or all office designated materials or inspection of the premises—or to producing electronically stored information in the form or furnor requested. If objection is made, the party serving the subputem shall not be entitled to inspect top precise, or sample the materials or inspect the precise except pursuant to an order of the court by which the subpocen was issued. If objection has been unde, the party serving the subputem any, upon notice to the person commanded to produce, move at my time for no order to compel the production, impection, copying, testing, or sampling. Suclina order to compel that production, the precise of party found in the production of the precise of a party found in the party of an officer of a party found. significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoem was issued shall quash or modify

on If it (I) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or on officer of a party to travel to a place more than 100 unites from the place where that person resides, is employed a regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(11)(ili) of this rule, such o person may in order to oftend trial be communited to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or walver applies; or

(iv) subjects a person to undue burden.

(B) If n subpoma

(i) requires disclorate of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unremined expert's opinion or information out describing specific evenus or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial

expense to travel more than 100 miles to attend triul, the court may, to protect a person subject

to or officied by the subposes, quasty or modify the subposes or, if the party in whose behalf the subposes is issued shows a substantial need for the testinosy or material that estimate be otherwise met without under bandship and assures that the person to whom the subpoema is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Sugroena.

(1) (A) A person responding to a subposing to produce documents shall produce them as they are kept in the usual course of business or shall organize and labelthem to correspond with

(B) If a subpostance multipecify the form or forms for producing electronically stored information, a person responding to a subpostic must produce the information in a form or forms in which the person arbitrarily maintains it or in a form or forms that are reasonably

(C) A person responding to a subpocute need not produce the same electronically stored information in more than one form.
(D) A person responding to a subposite meed not provide discovery of electronically

stored information from sources that the person identifies as not reasonably accessible because of undua burden or cost. On motion to compet discovery or to quad, the person from whom discovery is sought most show that the information sought is not cassoably accessible because of undue burden or cost. If that showbig is made, the court may notelleless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(6)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpocute is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the document, communications, or things not produced that is sufficient to enable the domainding party to coates the claim,

not produce that is produced in response to a subpose that is subject to a claim of privilege or of protection at trial-preparation material, the permanaking the claim may notify only up that received the information of the claim and the bast for it. After being notified, a party must promptly return requester, or destroy the specified information and may copies it has and may not use or disclose the information until the claim is received. A receiving party may remark the product in the continuation of the claim is received. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving parry disclared the information before being politics, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) Contentry. Pollure of any person without adequate excuse to akey a subposed served upon that person may be deemed a contempt of the court from which the subpoem issued. An adequate cause for failure to obey exists when a subpoem purport to require a nonparty to attend or produce at a place not within the limits provided by close (ii) of subparagraph (c)(31(A),

AO88 (Rev. 12/06) Subposent in a Civil Case				
PROOF OF SERVICE				
SERVED 05/04/2007 @ 1:34 PM	LACE U.SO PEACHTREE SOREET 2151 PLOOPZ ACLANTA GA 30309			
CLO PISH + PICHARDSON CRAN KE BY HANDING TO JEANETTE WILLS SERVED BY (PRINT NAME)				
ALLISON R SIMPSON	PROCESS SERVER			
DECLARATION	OF SERVER			
I declare under penalty of perjury under the laws of the United in the Proof of Service is true and correct. Executed on Q 5 P4 2007	States of America that the foregoing information contained			
DATE	SIGNATURE OF SERVER VARIAS BENDERN AVE			
	ATCANTAL GA 30315			
Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as a to Procedure Procedure for the following to the following for the following	mended on December 1, 2006:			

(e) PROTECTION OF PERSONS SUBJECT TO SUBJECTANS.

(1) A party or an atterney responsible for the issuance and service of a subposeus shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subposen. The court on behalf of which the subposen was issued shall entire this day and impass upon the party or atterney in breach of this day on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable autority's fee.

(2) (A) A person commanded to produce and permit impection, copying, testiop, or sampling of destiguated electronically stored information, books, papers, documents ortangible things, or inspection of premises need not appear in person at the place of production or inspection miless commanded to appear for deposition, hearing or trial.

(II) Subject to paregraph (d)(2) of this rule, a person commanded to produce and permit impection, copying, testing, or sampling may, within 14 days after service of the subpocen or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or intorney designated in the subpocen written objection to producing may or all of the designated materials or inspection of the premises—or or uponeding electronically stored information in the form or forms requested. If objection is made, the party serving the subpocen shall not be entitled to imprect, copy, test, or sample the materials or imprect the premises except pursuant to an order of the court by which the subpocens was fasted. Tobjection these manded to any description the production, inspection, copying, testing, or sampling. Such an order to compel shall protect my person who is not a party or an office or of namy from a spirificant expense resulting from the impection, copying, testing, or sampling. (2014) that by underson the substant and the production, copying, testing, or sampling.

significant expense resulting from the impection, copying, testing, or sampling commanded.
(3)(A) On timely motion, the court by which a subpoem was issued shall quash or modify enn if lt

(i) fails to allow reasonable time for compliance;

(i) requires a person who is not a party or an officer of a party to unvel to a place motellan 100 utiles from the place where thin person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)[3](0)[iii] of this rule, such a person any in order to a takent trial be commanded to travel from any such place within the state in which the relat is held:

(fil) requires disclosure of privileged or other protected matter and no exception or walver applies; or (iv) subjects a person to under burden,

(B) If a subpoem

(i) requires disclosure of a trade secret or other confidential research, development.

or commercial information, or

(ii) requires disclosure of no unremined expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expen's study made

not at the request of may party, or

(iii) requires a person who is not a party or on officer of a party to incur substantial expense to travel more than 100 miles to paend trial, the court may, to protect a person subject to the microscopy are supplied a quanta for minuty are supplied on, a merparty in whose deman the subposed is fixed shows a substantial need for the tellinary or material than cannot be otherwise met without undue hordship and assures that the person to whom the subposed is addressed will be reasonably compensated, the country order appearance or production only upon specified conditions.

(d) Duties in Responding to Sunporna.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall arganize and label them to correspond with the entenuries in the demand.

(B) Hoselypoenadoes not specify the former forms for producing electronically speed information, a person responding to a subpoend and probes the information in a furth or forms in which the person ordinarily maintains it as in a form or forms that are rengonably

(C) A person responding to a subpose in need not produce the same electronically stored Information in more than one form,

Information in more than one form,

(D) A person responding to a subpocus need not provide discovery of electronically soured information from sources that the person identifier at not reatenably necessible because of undue burden or cost. On mution to compel discovery or to quash, the person from whom discovery is sought must show that the information sought that reasonably necessible because of undue burden or cast. If that showing is made, the cost way nonetheless order discovery from such sources if the requesting party above a good case, considering the limitations of Rule 26(b)(2)(C). The root may specify conditions for the discovery.

(2) (A) When information subject to a subpocus is witheld on a laim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be suppoined by a description of the nature of the deconcats, communications, or things not produced that is sufficient to enable the demanding party to content the claim.

(B) If information is produced in response to a subocent bit is subject to a claim.

and produced that is sufficient to enable the demanding party to content the existin.

(B) If information is produced in response to a subpose that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being matified, a party must promptly enough received the information must be received as and may not use or disclose the information until the claim is resolved. A receiving party any promptly present the information to the court undersal for a determination of the claim. If the receiving many distinguished the information to the court undersal for a determination of the claim. If the receiving pany diselated the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Fallow of any person without adequate excuse to obey a subposem served upon that person may be decised a contempt of the coun fine which the subposem issued. An adequate cause for failure to obey exists when a subpose parparts to require a morpharty to altered or produce at a place not within the limits provided by clause (ii) of subparagraph

AOSS (Rev. 12/06) Subposent in a Civil Case	`
PROOF OF S	BERVICE
SERVED 05 104 1207 @ 1134 PM	LACE USO PEACHTREE STREET ZIST PLOOP A-TURN TA GA 30309
SERVED ON (PRINT NAME) CAREL WARRIED GO FIGH I TEICHARDSON COAN BY HANDING TO JEAN ETTE WILL SERVED BY (PRINT NAME)	WE LELAL SEZEGARY
ALLISON R. SIMPSON	PROCESS SERVER
DECLARATION	OF SERVER
I declare under penalty of perjury under the laws of the United in the Proof of Service is true and correct. Executed on OSCOLZEO 7	States of America that the foregoing information contained
	ADDRESS OF SERVER
	AWANTAS GA 30315
Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as a	mended on December 1, 2006:

(c) PROTECTION OF PERSONS SUDJECT TO SUBFORMAS.

(c) PROTECTION OF PERSONS SUBJECT TO SUBJOURNAS.

(1) A party or an attorney responsible for the issuance and service of a subject to that subject is to that subject is a wold imposing undue burden or expense on a person subject to that subject is the court on behalf of which the subjection was fixed shall enforce this duty and impose open the party or attorney in breach of difs duty on uppropriate searction, which may include, but is not limited to, lost carnings and a reasonable anomey's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or campling of designated electronically stored information, books, papers, decoments or tanglish things, or impection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(D) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days offer service of the subposm or before the time specified for compliance if such time is less than 14 days ofter service, serve upon the party or attorney designated in the subpocan written objection to producing up or nil of the designated materials or inspection of the premises — or to producing electronically stored information habe for nor forms requested. If objection is made, the party serving the subpocan shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant toon order of the court by which the subpocan was issued. If objection has been made, the party serving the subpocan transpection, copying, testing, to sampling. Such an order to complet that production, inspection, copying, testing, to sampling. Such an order to complet that production, inspection, copying, testing, to sampling commanded.

(3)(A) On thacky notion, the court by which is subpocan was issued shall quash or modify the subpocan if it.

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not nearly or on officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed a regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(0)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place which the state in which the trial is licib;

(iii) requires disclosure of privileged or other protected matter and no exception or

wniver applies; or (iv) subjects a person to under burden.

(B) If a subpocne

(i) requires disclosure of a trade secret or other confidential research, development, ar commercial information, or

(ii) requires disclosure of an unretained expert's upinion or information not

describbill specific events or occurrences in dispute and resulting from the expert's study made

not at the request of any party, or (iii) requires a person who is not a party or on officer of a party to incur substantial expense to travel more than (00 miles to attend trial, the court may, to protect a person subject

to or affected by the subpasse, quash or modify the subposts of, if the pany in whose behalf the subposts is issued shows a substantial need for the testimony or material that cannot be otherwise tale without under hardship and assures that the person to whom the subposent is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Suppopula.

(a) Director resembling cooperation.

(1) (A) A person responding to a subpoens to produce document shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subjuct a document specify the form or forms for producing electronically stored information, a person responding to a subpoem must produce the information in a form or forms in which the person ordinarily mointnins it ur in a form or form that are reasonably

(C) A person responding to a subpoem need not produce the same electronically stored

(D) A person responding to a subpoend need not provide discovery of electronically stored information from sources that the person identifies us not resumably accessible because stored information from sources that the person identifies us not reasonably accessible because of under borden or cost. On multion to supperf discovery or to qualt, the person from whom discovery is sought must allow that the information sought is not reasonably accessible because of undue borden or cost. If that allowing is made, the court may noncheless order discovery from such sources if the requesting party shows good enters, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(3) (A) When information subject to a subponent is withheld on action that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supposed by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the cloim.

(B) If information is produced in response to a subpone that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may nortify any party that received the information of the claim and the basis for it. After being motified, a nany must promitly clause of the information of the claim and the basis for it. After being motified, a nany must promitly clause of the specified information and any corpical it.

a party must promptly return, sequester, or destroy the specified information and any cuping it has and may not use or disclose the information until the chim is resolved. A receiving party may promptly present the information of the court under seal for a decimination of the claim: If the receiving party disclosed the information before being notified, it must rake rensonable steps to terrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Follows of any person without adequate excuse to obey a subposme served upon that person may be decined a contempt of the court from which he subparance issued. An indequate cause for failure to obey exists when a subparan purposit or equire a nonparty to along the provided by close (ii) of subparangempts and the court from which he subparangempts are contained to the court from t (c)(3)(A).

AOBR (Rev. 12/06) Submocan in a Civil Case	
PROOF	OF SERVICE
95(04 (7207- SERVED @ 1134 PM	PLACE USO PEACHTUREE STREET 21 + PLEDE ATLANDA, GA 30309
SERVED ON (PRINTNAME) TIM HOLLAND CLO FISH + RUCHARDSON, PC (DAG BY HANDING TO LEANETTE WILL SERVED BY (PRINTNAME)	MANNER OF SERVICE VENT) PERSONAL MS, LEGAL SECRETARY
ALLISON R SIMPSON	PROCESS SERVER
DECLARATI	ON OF SERVER
I declare under penalty of perjury under the laws of the Unin the Proof of Service is true and correct. Executed on OSCOLOGIZOOF	nited States of America that the foregoing information contained
	ADDRESS OF SERVER ACCANGA GA 30315

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (c), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUIDECT TO SUBPOENAS.

(1) A party or an otomey responsible for the Expance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this day and impose upon the pany or atomey in brench of this day an appropriate satedon, which may include, but is not limited to, lost carnings and or reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or campling of designated electronically storred information, books, papers, documents or tangible things, or inspection of prenders need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to prograph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling many, within 14 days after service of the subpaces or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attentey designated in the subpacen written objection to producing any or all (1) A party or an ottomey responsible for the ismance and service of a subpoema shall take

or the time specifical or computance it such title is less time to days after service, serve upon the purty or attentey designated in the subponent written objection to producing any or all of the designated materials or impection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subponent altable to be entitled to impect, copy, text, or somple the materials or inspect the premises except stablished be collided to upped, copy, lest, or somple the materials or inspect the premises except pursuant to an order of the courby which the subpoens was issued. If objection has been made, the party serving the subpoens may, upon notice to the person commanded to produce, move at any lime for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, lesting, or sampling commanded. (3) (A) On timely motion, the court by which a subpoens was issued shall quash or modify the subpoens if it

the subpoenn (Fir

(i) falls to allow reasonable time for compliance;

(i) that tration enganable time for compliance;
(ii) requires a persua who is not a party or an officer of a party to invel to a place more than 100 miles from the place where that person resides, is employed or regularly massers business in person, except that, subject to the provisions of clause (e)(3)(D)(iii) of this rule, such a person may in order to alread trial be commanded to travel from any such place within the state in which the trial is held:

(III) requires disclosure of priviloged or other protected matter and no exception or walver applies; or

(iv) subjects a person to unclue burden.

(D) If a subpocts

(i) requires disclosure of a tracle secret or other confidential research, development,

or commercial information, or (ii) requires direlature of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made

not at the request of cay pany, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to ar affected by the subpoens, quash or needly the subpoens or, if the pary in whose behalf the subpoens is issued shows a substantial need for the testimopy or material that council he albeavise met without undue hardship and assures that the person is whom the subpoens is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Suppodia.

 A) A person responding to a subposm to produce documents stall produce them as they are kept in the usual course of basiness or shall organize and tabel them to correspond with the categories in the demnid.

(B) If a subparso does not specify the farm or farms for producing electronically stored information, a person responding to a subparso must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subposes meed not produce the same electronically stored information in more than one form,

(D) A person responding to a subposan need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of under burden or cost. On motion to emped discovery or to quali, the person from whosis discovery is sought must show that the information sought is not reasonably accessible because

discovery is sought must show that the information adught is not reasonably accessible because of undue burden or cost. If that showing is made, the court may noncludest ander discovery from ruch sources if the requesting panyslows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify candidans for the discovery.

(2)(b)(1)(C). The court may specify candidans for the discovery.

(2)(b)(1)(C). The court may specify candidans for the discovery.

(2)(b)(1)(b) When information outlier to authorem is withheld on elaim that it is privileged or subject to protection to triol-preparation materials, the claim shall be under expressly and shall be supported by a description of the esture of the documents, constanting claims, or things not produced that is sufficient to enable the demanding parry to context the claim.

(B) If information is produced in response to a subpound that is subject to a claim of rivilege or of protection as trial-preparation materials, the person making the claim may notify any parry that received the information of the claim and the basis for it. After being mitified, a parry must promptly return, sequence, or destroy the specifiest information of my context the specifiest information and we can the specifiest information of the claim and the basis for it. After being mitigated, a party must promptly return, sequence, or destroy the specifiest information and the specifiest information of the claim and the basis for it. a party must promptly return, sequester, or describe the specified information and any copies it has and may not use or disclose the information until the claim, is readeed. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Fallure of any person without adequate excuse to obey a subpoems erved upon that person may be decined a contempt of the court from which the subpoems issued. An adequate cause for failure to obey exists when a subpoems purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph

AOSS (Rev. 12/06) Subpocoa	in a Civil Case	
	PROO	F OF SERVICE
% HSU + P	05/04/12007 © 1134 PM TIM HANNAH KUARDON, PC (DA	PLACE USO PEACHDRES STREET 24 ST PLOOP ACLANGE CA 30309 MANNER OF SERVICE
	L SIMPSON	PROCESS SERVER
	DECLARA	TION OF SERVER
130 × 13	y of perjury under the laws of the strue and correct.	United States of America that the foregoing information contained
	<u>-</u>	SIGNATURE OF SERVER VIZE BENGER ADDRESS OF SERVER
		MILLAND GA 30315
Rule 45, Federal Rules of Civ	l Procedure, Subdivisions (c), (d), and	(c), as amended on December 1, 2006;

(c) PROTECTION OF PERSONS SUBJECT TO SUPPORDAY

(a) A party or an atomey responsible for the issuance and service of a subported shall take encount by the anatomey responsible for the issuance and service of a subported shall take encount by the court of the subported was installed in the subported and appropriate space of the subported and impose upon the party or attempt in heads of this duty an appropriate spaceton, which may include, but is not limited to, lost employs and a rensonable atomey is fee.

(2) (A) A person commoded to produce and permit inspection, copying, testing, or sampling of destignated electronically stored information, books, papers, documents or implifications, or inspection of premise need not appear to a person on the place of production or imposed to produce the person of the production of imposition unless commanded to appear for deposition, hearing or trial.

(3) Subject to paragraph(d)(1) of this rule, a person commanded to produce and permit inspection, copying, testing, or simpling may, within 14 days after service of the subported period to the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorice, serve upon the party or attoricy designated in the subports written objection to producing any or all upon the party or attoricy service, serve

before the time specified for compliance is such time as less man 14 days oner service, serve open the party or alloney designated in the subpoens writing objection to producing any or all of the designated materials or imperienced for premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoens shall not be entitled to impect, only, cert, or sample the uniterials or impect the premises except such not be entitled to uspect, copy, test, or sample the moterials or impect the premises except pursuant to an order of the court by which the subposes was tasted. If objection has been made, the paray serving the subposes way, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling, such an order to compel shall protect pyperson who is not a party or an officer of a party from significant expense resulting from the dispection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subposen was issued shall quartit or modify the subposen if it

(i) fails to allow resonable time for compliance;

(i) requires a person who is not a proxy or an officer of a pany to travel to a place than 100 utiles from the place when that person resides, is employed or regularly transcens husiness in person, exceptible, subjected the provisions of clause (e)(3)(0)(ii) of filterule, such a person may in order to ottend trial be commanded to travel from any such place within the state in which the trial is field;

(III) requires discionwe of privileged or wher protected insterand no exception or whiver applies; or
(iv) subjects a person to under burden.
(B) If a subporta

(i) requires disclosure of orade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an uncetained expent's opinion or information not describing specific events or occurences in dispute and resulting from the expert's study made

not at the request of any pany, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 tolletroollend trial, the court may, to protect a person subject

to or affected by the subposes, quasit or modify the subposem or, if the party in whose behalf the subposes is issued shows a substantial need for the testimony or material that cannot be utherwise met without under hardship and assures that the person to whom the subposes is addressed will be reasonably compensated, the court may order appearance or production only

(d) Duties in Responding to Sumpleha.

(1) (A) A person respirition; to a subplicing to produce documents shall produce them us they are kept in the usual course of husiness or shall organize and label them to correspond with the entegories in the demand.

(B) If noting the equation (B) If noting the equation of the producting electronically stored information, a person responding to a subpostan must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably

(C) A person responding to a subportanced not produce the some electronically stored information in more than one form.

information in more than one form.

(D) A person responding to a subpoens need not provide discovery of electronically stored information in more than one form.

(D) A person responding to a subpoens deed not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On mollon to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless and efficiency from such sources if the requesting pany shows good ensure, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoent is withheld on a claim that it is privileged or subject to protection as wird-preparation materials, the claim shall be made expressly and shall be supported by a description of the anare of the documents, communications, or things not produced that is sufficient to enable the demanding party to context the claim.

(B) If information is produced in request to a subpoent that is subject to a claim of privilege or of protection as it is not a request to a subpoent that is subject to a claim of privilege or of protection are trained and any notify any party that received the information of the claim and the basis for it. After being multicat, a party must promptly present the information to the count under seal for a determination of the claim is resolved. A receiving party interpretable party the person who produced the information must preserve the information until the claim is resolved. A receiving party that cloided the information before being multified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMET. Fallure of any person without adequate excuse to they a subpocas served upon that person may be deemed a contempt of the court from which the subpocas issued. An adequate cause for failure to obey exists when a subpocas purports to require a nonparty to attend or produce as a place not within the limits provided by clause (ii) of subparagraph

AORB (Rev. 12/06) Subpoena in a Civil Case	
TROOM OF	3.0201.000
	FSERVICE
5/04/1207	PLACE USO PEACH ORES SOREST
CED (/CI)	ZIST FLOOR
@ 1:34 PM	ATLANTA GA 30709
SERVED ON (PIUNT NAME) MARC CALA-WAN	MANNER OF SERVICE
SERVED ON (PIUNT NAME) MARC CALAMAN COAN V	eur) PERSONAL
BY WANDING TO JEANETTE WIL	US LEGAL SERVERALL
SERVED BY (PRINTNAME)	TITLE
AULISON R. SIMPSON	PROCESS SERVER
7	Flades Dolde
DECLARATIO	N OF SERVER
I declare under penalty of perjury under the laws of the Uni in the Proof of Service is true and correct. Executed on	ted States of America that the foregoing information contained SLOWATORE OF SERVER 1475 PENTEEN AUE
	ADDRESS OF SERVER
	ATLANTA, GA 30915
	*
Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e),	ns amended on December 1, 2006:

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), (e) Protections of Feators Subject to Subjecture, Subdivisions (c), (d), and (e), (e) Protections of Feators Subject to Subjecture.

(1) A party or anatomy responsible for the istuance and revice of a subject as shall inforce this day and impute upon the party or attorney in breach of this day an oppropriate sanction, which may include, but it not limited to, lost countings and a reasonable amoney's fee.

(2) (A) A person communical to produce and person inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or inspection of production or inspection of production or inspection of product oppear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce mad person inspection, copying, testing, or sampling may, within 14 days after service of the subjects or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subposen written objection to producing may or all of the designated materials or inspection of the premises—or to producing electronically stored information in the former forms requested. If objection is made, the party serving the subposen stand in ot be entitled timpest, copy, test, or sample the materials or inspect the premises except pursuant to an order of the count by which the subposen was tested. If objection has been made, the party serving the subposen only, upon notice to the person communicate to produce, and many time for an order of the compact in producing to respect to a party to expense on a party or companies. the party serving the subposes one, upon notice to the person commanded to produce, move at any time for an order to compet the production, inspection, copying, testing, or sampling. Such an order to compet shall protect may person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subposes was issued shall quash or modify the subposes III.

(i) fails to allow reasonable time for compliance;

(i) require a person who is not a party or no fifteer of a party to travel to a place amount of the control of the person who is not a party or no fifteer of a party to travel to a place where that person resides, is copilized or regularly transacts housiness in person, exceptions, subject to the provisions of chose (c)(3)(B)(iii) of this rule, such a person may in order to stend trial be commanded to covel from any such place which the state in which the trial is held;

(III) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to under burden.

(0) Մա գորիսատ

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) regules disclosure of an unremined expent's opinion or information not describing specific events or occurrences in dispute and resulting from the expent's study made mut at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoent, quash or modify the subpoents or, if the pany in whose beliaff the subpocum is issued shows a substantial need for the testimony or material that cannot be allierwise met without undue hardship and assures that the person to whole the subpoem to addressed will be reasonably compensated, the court timy order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUPPOEMA. (1) (A) A person responding to a subpoem to produce document shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(D) If a subposes does not specify the form or forms for producing electronically stored information, a person responding to a subposent must produce the information in a form or farms in which the person ordinarily maintains it or in a form or forms that are reasonably

(C) A person responding to a subpoend need not produce the some electronically stored information in more than one form.

information in more than one form.

(D) A person responding to a subposen need not provide discovery of electronically stared information from sources that the person identifies us not reasonably accessible because of undue burden or cost. On motion to comped discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(3) (A) When information subject to a subposen is withheld on a claim that it is privileged or subject to protection us trial-preparation materials, the clutter shall be supported by a description of the nature of the documents, cummanications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subposem that is subject to a claim of privilege or of protection as trial-preparation material, the enestin making the claim may notify

privilege or of protection as triat-preparation material, the person making the claim may norify any party that received the information of the claim and the basis for it. After being notified, u party must promptly return, sequester, or destroy the specified information and my copies it has and may not use or disclose the information until the claim is resolved, A receiving party may promptly present the information to the court under such for a determination of the clubu. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) Content. Follow of any person without adequate excuse to obey a subpoens served upon that person may be deemed a contempt of the court from which the subpoem issued. An ndequate cause for failure to obey exists when a subposed purport to require a numbarry to attend or produce at a place not within the limits provided by clause (ii) of subparagraph Icitalial.

AO88 (Rev. 12/06) Subopena	in a Civil Case	
	PRO	OF OF SERVICE
SERVED	05/04/2007 @ 1\ZY PM	
CLO FISH- BY HADDUD	+ RICHARDSON	CDAN KOST) PERSONAL WHILS, LEGAL SELRETARY
SERVED BY (PRINT NAME)		TITLE
ALLKON	R. SIMPSON	PROJESS SERVER
	DECLAR	ATION OF SERVER
I declare under penal in the Proof of Service Executed on		ne United States of America that the foregoing information contained
	DATE	VYZS BENTEEN AUG
		ACCANTA GA 20315

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) Protection of Persons Subject to Suppoenas.

(c) PROTECTION OF PERSONS SUBJECT TO SUPPLINAS.

(1) A party or an atterney responsible for the issuance and service of a subpoena shall take rescanded steps to avoid imposing undue burden or expense on a person subject to that subpoena. The count on behalf of which the subpoena was issued shall enforce this dary and impose upon the party or attempt to breach of this dary an appropriate sanction, which may include, but is not limited us, lost cannings and a reasonable morney's fee.

(2) (A) A person commanded to produce and permit impaction, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hunding or trial.

(B) Subject to promptph (d)(2) of distruct, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all officed signated materials or inspection of the premises—or to producing electronically stored information in the form or froms requested. If objection is made, the party serving the subpoena of the designated materials or inspection of the premises—or to producing electronically stored information in the form or furne requested. If objection is snade, the party serving the subport studies of the control of the court by which the subport was tassed. If object the premises except pursuant to one order of the court by which the subport may active it. If object the premises except pursuant to one order to court by which the subport may active it. If object on the person commanded to produce, move at any time for an order to compet the production, inspection, copying, testing, or sampling. Such an order to compet shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded. (3) (A) On timely motion, the court by which a subport was issued shall quastion motility the subport if it.

(i) fulls to allow reasonable time for compliance;
(ii) fulls to allow reasonable time for compliance;
(iii) requires a person who is not a party or an officer of a party to travel to a place
more than 100 miles from the place where that person resules, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(lif) requires disclosure of privilegen or other protected matter and no exception or waiver applies; or

(lv) subjects a person to under burden.

(B) If a subpocua

(i) requires disclusure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expen's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made quest of any pany, or

(lil) requires a person who is not a party or on officer of a party to incur substantial expense to travel more than 100 miles to aread trial, the court may, to protect a person subject

to or affected by the subpoent, quash or modify the subpoent or, if the jury in whose behalf the subpoent is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to witnin the subpoent is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Suippena.

(1) (A) A person responding to a subpoend to produce documents shall produce them us they are kept in the usual course of lusiness or shall organize and lubel them to correspond with the entegories in the demand.

(B) If a subpoem does not specify the former facus for producing electronically stored information, a person responding to a subpoend most produce the information is a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoent need not provide discovery of electronically stated information from sources that the person identifies as not reasonably accessible because of under burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because

discovery is sought most show that the information sought is not rons onably necessible because of under burden or cost. If that showing is under, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of fuller 20(b)(3)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoct at withheld on a claim that it is pivileged or subject to protection as trial-preparation materials, the claim shall be under expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to context the claim.

Of if information is produced in response to a subpocute that is subject to a claim of privilege or of protection as viol-preparation testerial, the person multing the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must prouptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information path that claim is excelved, A receiving party in the received the information is the claim to determination of the claim. may presimply present the information to the court under seal for a determination of the claim: If the receiving pany disclosed the information before being notified, it must take reasonable steps to reprieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any persum without indequate excuse to obey a subpoens served upon that person may be deemed a contempt of the court from which the subpoens issued. An interpate cause for failure to obey exists when a subpoens purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph

AORR (Rev. 12/06) Subnovna in a Civil Case
PROOF OF SERVICE
SERVED PLACE
C 1/3/1 000
CLO FIGH + TELEMENTS SPECIAL DE MANNET DE GENEVATA GIA 30303
BY HANDING TO JEANETCE WILLIS, LEGAL SET PLANT
ALLISON R. SIMPSON
PROCESS SERVER
DECLARATION
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.
Coregonia information contained
Executed on Slout 2004

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (c), as amended on December 1, 2006:

(c) Properties of Pensons Sumer to Sumounds.

(d) Properties of Pensons Sumer to Sumounds.

(e) Properties of Pensons Sumer to Sumounds.

(f) A party or an atomy responsible for the issuance and service of a subpact as a large of the summer and service of a subpact and the summer to a person cobject to that catherine to a person cobject to that subpacts. The count on localif of which the subpact and superior control of this day an appropriate sumelian, which may include, but is not limited to, but sendings and a reasonable interior's fee.

(2) (A) A person commoded to produce and permit trapection, copying, testing, or sampling of designated localizationally stored information, tooks, papers, documents or tample things, or inspection of premises need not appear in person at the place of produced and permit large than 10 appears for produced and permit fuspection, copying, testing, or sampling may, within 14 days after service of the subposts of the first specified for compilance if such time is less than 14 days after service or companies of the designated materials or inspection of the produced as within 14 days after service of the subposts of the designated materials or inspection of the produced as the person of the producing the subpost of the designated materials or inspection of the producing and the party serving the subpost shall produce of the court by which the subposts awas found. If objection has been made, at any time for more of the court by which the subposts awas found. If objection has been made, at any time for an order to compel the producing, inspection, copying, testing, or sampling subnamed to compel shall produce in producing, inspection, copying, testing, or sampling to subposts of the producing control to control the produced of the subposts of the producing control to control the producing of the prod

the subpoend if (
(i) folls to allow reasonable time for compliance;
(ii) requires a person who is not a party or an officer of a party to invel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, may notife to a business in person, may in order to a latend trial be commanded to invel from any such place within the state in which the trial is held;

(fil) requires disclusure of privileged or wher protected matter and no exception or ties or (ie) subjects a person to undue burden.

(Ա) Ար Հորհետա

(f) requires disclusure of a landa secret or other confidential research, development, or commercial information, or

or commercial mornantum, or

(ii) requires disclosure of an unretained expents opinion or information not
describing specific events or occurrences in dispute and resulting from the expert's analy made

describing specime events or occurrences in dispute and resuming from the expert's study made not of the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than (00 miles to attend trial, the court may, to princet a person subject

to or offected by the subpoems, quash or modify the subpoems or, if the pany in whose behalf the subpoems is issued shows a substantial need for the testimony or moterial that cannot be otherwise tnet without winde bardship and assures that the person to whom the subpoem is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Suproma.

(d) DITIES IN RESPONDING TO SUBTORIA.

(1) (A) Λ person responding to a subposing to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the production $L_{\rm total}$ the document.

the conference in the demand.

(B) It is subposent does not specify the farm or forms for producing electronically snoved information, a person responding to a subposing must produce the information in a form or farms in which the person codimarily maintains it or in a form or farms that are reasonably usable.

(C) A person responding to a subport a need not produce the same electronically stored information in more than one form.

(C) A person responding to a subposition and produce the same electronically stored information in more than one form.

(D) A person responding to a subposition at provide discovery of electronically sourced information from sources that the person identifies as not reasonably necessible because of untile burden or cast. Ou motion to camped discovery or to quark, the person from whom a discovery is sought must show that the information sought is not reasonably necessible because adseavery is sought must show that the information sought is not reasonably necessible because are undersonable to reasonably necessible because from tests provide the substance of the discovery of the discovery.

(3) (A) When information subject to a subport is withheld on a claim that it is privileged of subject to protection as trail-preparation untertals, the claim shall be taked provided a shall be supported by a description of the nature of the documents, communications, or bidges at lab it is sufficient to enable the detanding many to context the claim.

(B) If information is produced in response to a subposen attent is subject to a claim of privilege or of protection as trail-preparation material, the person making the claim of any purpy that received the information of the claim and the basis for it. After being multiple aparty promptly present the information in the court under seal for a determination of the claim and the basis for it. After being multiple has not may not use or disclose the information until the claim is resolved. A receiving pany the receiving pany disclosed the information to the court under seal for a determination of the claim.

(c) CONTEMPT. Follow of any person without adequate excuse to obey a subpoema served upon that person may be deemed a contempt of the court from which the subpoem issued. An adequate cause for failure to obey exists when a rudpuena purports to require a nonpany to detailed or produce at a place and within the limits provided by clause (ii) of subparapraph

CERTIFICATE OF SERVICE

I, Mary F. Dugan, Esquire, hereby certify that on May 11, 2007, I caused to be electronically filed a true and correct copy of the foregoing document, Notice of Filing Returns of Service of Subpoenas to Compel Attendance at Depositions as Previously Noticed, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

William J. Marsden, Jr., Esquire Kyle Wagner Compton, Esquire Fish & Richardson, P.C. 919 North Market Street, Suite 1100 P.O. Box 1114 Wilmington, DE 19899-1114

I further certify that on May 11, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY E-MAIL

Noah C. Graubart (graubart@fr.com)
Nagendra Setty (setty@fr.com)
Daniel A. Kent (kent@fr.com)
Christopher O. Green (green@fr.com)
Fish & Richardson, P.C.
1180 Peachtree Street, NE
21st Floor
Atlanta, GA 30309

Mary F. Dugan (No. 4704)

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Brandywine Building, 17th Floor

1000 West Street

Wilmington, DE 19801

P.O. Box 391 Wilmington, Delaware 19899-0391 (302) 571-5028

mdugan@ycst.com